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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,830	01/31/2002	Jarno Marchetto	3282/0K042	4350

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EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,830

Applicant(s)

MARCHETTO ET AL.

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment received on 10/4/05. Claims 9-10 were canceled. Claims 1-8, 11-20 have been amended. No new claims have been added. Claims 1-8 and 11-20 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-8, 11-20 recite the limitations "the start of transmission", "the transmission", "the end of transmission", etc. in the independent claims. There is insufficient antecedent basis for these limitations in the claims.

4. Claims 4 and 5 appear to depend from one another.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8 and 11-20 are rejected under 35 U.S.C. 102(b) as being taught by Wang et al (USPN: 5,867,230).

As to claim 1, Wang teaches a method of using controlling the wait time O_w between the start of transmission of successive packets of known packet size (P) of a

Art Unit: 2155

content to be transmitted to achieve a target bandwidth (BT) during the transmission comprising the steps of: selecting a target bandwidth (BT) sought to be achieved during the transmission (col 1, line 64 to col 2, line 3; a target data rate is selected); computing a wait time (t_w) between the start of successive packets of the transmission using the algorithm $t_w = P/Br$ (col 4, lines 8-16; col 5, lines 38-46; col 6, line 31); and controlling the transmission of the packets using so that there is a residual time (t) between the end of transmission of one packet and the start of transmission of the next packet to establish the wait time t_w (col 4, lines 42-57; col 5, lines 50-67; the logic controls the frame to be encoded by a plurality of variables) .

As to claim 2, Wang et al teaches the method as claimed in claim 1 wherein the residual time t that is used is rounded to a time unit (col 5, lines 38-46; times are rounded to preset limits).

As to claim 3, Wang et al teaches the method as claimed in claim 2 wherein the rounding to the time unit is accomplished by a counter (col 5, lines 38-46).

As to claim 4, Wang et al teaches the method as claimed in claim 5 wherein the time t_{used} is determined by: determining the start time t_1 of transmission of a packet, determining the end time t_2 of transmission of the packet, and determining the time used t_{used} in transmitting the packet as $t_2 - t_1$ (col 6, lines 50-7).

As to claim 5, Wang et al teaches the method as claimed in claim 4 wherein the step of controlling further comprises the steps of: determining a time used (t_{used}) in the

transmission of a packet and waiting the residual time t between the end of transmission of one packet to the start of transmission of the next packet (col 4, lines 42-57; col 5, lines 50-67; the logic controls the frame to be encoded by a plurality of variables).

As to claim 6, Wang et al teaches the method as claimed in claim 5 further comprising the step of repeating steps (a) and (b) for each packet transmitted (abstract).

As to claim 7, Wang teaches a method as in claim 1 wherein the controlling of the transmission of the packets with a residual time t between successive packets is comprised of: determining a value of start time t_{start} , of sending a packet and a current time t_{now} , performing a loop operation of:

- (a) computing a time $t_{elapsed} = t_{now} - t_{start}$,
- (b) comparing $t_{elapsed}$ to the residual time t and transmitting the next packet when the value of $t_{elapsed} - t$ (refer to Fig 4; col 4, lines 8-16; col 5, lines 38-46; col 6, line 31).

As to claim 8, Wang teaches the method as claimed in claim 7 further comprising the steps of computing an error value $= t_{elapsed} - t$ and subtracting the value from a later supplied value of t (col 1, lines 24-57).

As to claim 11, Wang teaches the method of claim 1, including the additional step of selecting the known packet size (P) of the packets to be transmitted (see Fig 6).

As to claim 12, Wang teaches the method of claim 1 wherein the known packet size (P) is provided by an application (see Fig 6).

Claims 13-20 are essentially the apparatus of the above-mentioned method claims and present no new limitations. Thus, they are rejected under similar rationale.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER